

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID ALLEN FARMER, : Case No. 3:20-cv-00018
Plaintiff, : District Judge Douglas R. Cole
vs. : Magistrate Judge Sharon L. Ovington
DENNIS J. LANGER et al., :
Defendants. :
:

ORDER

On February 6, 2020, the Court issued an Order (Doc. #9) a copy of which was mailed to Plaintiff. The copy has been returned to the Clerk of Court as undeliverable. (Doc. #11). The problem is that it was mailed to Plaintiff with an incorrect zip code—43302—instead of the correct zip code 43301. The Marion Correctional Institution’s website identifies “43301-0057” as the zip code for U.S. Mail deliveries to the Institution and “43302” as the zip code for FedEx or UPS deliveries.

Although Plaintiff has not responded to the Court’s previous Order (Doc. #9), it does not appear that he is at fault given the problem with mail delivery. Good cause therefore exists to extend the deadlines set forth in the previous Order. *Id.* Plaintiff is placed on notice that if he fails to timely respond to this Order, his case may be dismissed for lack of prosecution.

IT IS THEREFORE ORDERED THAT:

1. The Clerk of Court shall re-send to Plaintiff a copy of the Court’s Order

- (Doc. #9) using the correct zip code;
2. The Clerk of Court is directed to send Plaintiff an Application and Affidavit by Incarcerated Person to Proceed without Prepayment of Fees; and
 3. **On or before May 7, 2020**, Plaintiff shall either pay the required \$400 filing fee or return to the Clerk of Court his fully completed Application and Affidavit by Incarcerated Person to Proceed without Prepayment of Fees.

April 9, 2020

s/Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge